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### REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

### **LIST OF REFERENCES - NOT ADEQUATELY TREATED IN OFFICE ACTION**

The Office Action missed and/or did not adequately treat the list of references filed by Applicant together with the original filing of the application, i.e., the Examiner has not initialed off on such references so as to reflect the Examiner's consideration of the same. Regarding the missed and/or untreated paper(s), it is respectfully requested that any further action regarding the present application fully treat or consider such paper(s). Included herewith is a more formalized PTO-1449 form listing such art.

### **PENDING CLAIMS**

Claims 1-40 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present interested. At entry of this paper, Claims 1-7 and 10-42 will remain pending for further consideration and examination in the application.

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### **ALL REJECTIONS UNDER 35 USC '102 AND '103 - TRAVERSED**

The 35 USC '102 rejection and the 35 USC '103 rejection of claims 1-40 are respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

In order to properly support a '102 anticipatory-type rejection, any applied art reference must disclose each and every limitation of any rejected claim. The applied art does not adequately support a '102 anticipatory-type rejection because, at minimum, such applied art does not disclose (or suggest) the following discussed limitations of Applicant's claims.

Applicant's disclosed and claimed invention is directed towards inspection arrangements (e.g., systems, methods, etc.) which optimize inspection operations and/or the selection of inspection parameters. Applicant's disclosed and claimed invention achieves the same by analyzing wiring densities within an

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area to be inspected, and subdividing to inspection sub-areas having common wiring density ranges. For example, an inspection area might be subdivided into three inspection sub-areas, i.e., a "coarse" sub-area consisting of areas having wiring in a coarse wiring density range, a "medium" sub-area consisting of areas having wiring in a medium wiring density range, and, a "fine" sub-area consisting of areas having wiring in a fine wiring density range. Differing parameters could then be set for each of these areas individually, to optimize inspection.

In terms of distinguishing claim language, independent claim 1, for example, states: "wherein the inspection area setting unit calculates distribution of wiring density in an area to be inspected according to layout data, and divides the area to be inspected into the partial inspection areas, with a given partial inspection area having a substantially same calculated wiring density range throughout, in order to set partial inspection areas."

Added claims 41-42 recite that such is conducted automatically by the inspection area setting unit.

Regarding rebuttal of the applied art, neither Samuels nor the alleged Applicant's Admitted Prior Art (AAPA), discloses, or suggests, such arrangement.

As a result of all of the foregoing, it is respectfully submitted that the applied art would not support a '102 anticipatory-type rejection or '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '102 and '103 rejections, and express written allowance of all of the rejected claims, are respectfully requested.

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#### **SPECIFIC TRAVERSAL OF ALLEGED "ADMITTED PRIOR ART"**

Regarding the alleged "admitted prior art of the instant disclosure", traversal is appropriate. More particularly, it is respectfully submitted that the Applicant has not made the alleged admissions within the "Background of the Invention" section of the application, and instead, Applicant's respectfully requests that the Examiner instead cite a published art reference with definitively discloses the feature of the alleged admission. Applicant's Background discussions should be construed as "admitted prior art", and instead, such discussion represents what was known to Applicant at a time of describing the invention, and not necessarily what was known by others in the art. Accordingly, reconsideration and withdrawal of any portions of the rejection based upon "admitted prior art", are respectfully requested.

#### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

#### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above

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statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

#### CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No.

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01-2135 (referencing case No. 520.41089X00) and please credit any excess fees  
to such deposit account.

Respectfully submitted,  
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Attachments:  
PTO-1449 form